

ENTERED

August 20, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES ROBERT HATTENBACH,

Plaintiff,

V.

LOWELL TIMOTHY JAROE, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:23-CV-00179

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Julie K. Hampton's Memorandum and Recommendation ("M&R"). (D.E. 25). The M&R recommends that the Court dismiss the case without prejudice for failure to prosecute. *Id.* at 1, 3.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed.¹ When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Badaiki v. Schlumberger Holdings Corp.*, 512 F. Supp. 3d 741, 743–44 (S.D. Tex. 2021) (Eskridge, J.).

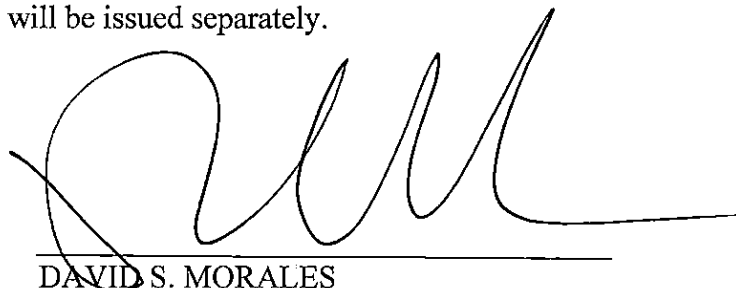
Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 25). Accordingly, the Court **ORDERS** that this case be **DISMISSED without prejudice** for failure to prosecute. (D.E. 1);

¹ The Court mailed a copy of the D.E. 25 M&R to Plaintiff. This mail was returned as undeliverable. *See* (D.E. 27). The Court has since waited an appropriate amount of time and Plaintiff has neither notified the Court of an updated address nor objected to the D.E. 25 M&R. As such, the Court considers this M&R ripe.

United States v. Carter, 737 F. App'x 687, 692 (5th Cir. 2018) (per curiam) (explaining a trial court may dismiss a case sua sponte for failure to prosecute).

Further, the referral of the motion for summary judgment, (D.E. 22), and the motion for reconsideration, (D.E. 29), to Magistrate Judge Hampton is **TERMINATED**. Any pending motions are **DENIED as moot**. A final judgment will be issued separately.

SO ORDERED.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by several loops and a long horizontal stroke at the end.

DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
August 20th, 2024